

**ASSEMBLY BILL**

**No. 934**

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**Introduced by Assembly Member Wyland**

February 18, 2005

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An act to amend Sections 2102, 3011, and 14216 of the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 934, as introduced, Wyland. Voter registration and voting: proof of citizenship.

Existing law prohibits a person from being registered as a voter except by affidavit of registration.

This bill would additionally prohibit a person from being registered as a voter unless he or she can provide proof of citizenship in a prescribed form at the time of registration. A person already registered as of January 1, 2006, would not be required to submit proof of citizenship unless that person were to change registration from one county to another.

This bill would impose a state-mandated local program by requiring county elections officials to maintain for at least two years a record of the proof of citizenship submitted by applicants.

Existing law requires that an absent voter submit his or her ballot in an identification envelope.

This bill would require that the identification envelope include a space for the absent voter to provide proof of his or her identity in a prescribed form.

Existing law requires a person desiring to vote to announce his or her name and address to a precinct board member and to write them on the roster of voters.

This bill would require a voter, in addition, to present proof of his or her identity to a member of the precinct board before receiving a ballot. It would specify the documents that may be used for this purpose. By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2102 of the Elections Code is amended  
2 to read:

3 2102. (a) A person ~~may~~*shall* not be registered as a voter  
4 except by affidavit of registration *and proof of citizenship*. The  
5 affidavit shall be mailed or delivered to the county elections  
6 official and shall set forth all of the facts required to be shown by  
7 this chapter. A properly executed registration shall be deemed  
8 effective upon receipt of the affidavit *and proof of citizenship* by  
9 the county elections official if received on or before the 15th day  
10 prior to an election to be held in the registrant's precinct. A  
11 properly executed registration shall also be deemed effective  
12 upon receipt of the affidavit *and proof of citizenship* by the  
13 county elections official if any of the following apply:

14 (1) The affidavit is postmarked on or before the 15th day prior  
15 to the election and received by mail by the county elections  
16 official.

17 (2) The affidavit is submitted to the Department of Motor  
18 Vehicles or accepted by any other public agency designated as a  
19 voter registration agency pursuant to the National Voter  
20 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before  
21 the 15th day prior to the election.

1 (3) The affidavit is delivered to the county elections official by  
2 means other than those described in paragraphs (1) or (2) on or  
3 before the 15th day prior to the election.

4 (b) *Proof of citizenship required by subdivision (a) may be*  
5 *established by any of the following:*

6 (1) *A California driver license or nonoperating identification*  
7 *license issued after October 1, 1996, by the Department of Motor*  
8 *Vehicles, or a driver license issued by the equivalent government*  
9 *agency of another state within the United States that reflects that*  
10 *it was issued upon proof of United States citizenship.*

11 (2) *The applicant's birth certificate or a legible photocopy*  
12 *thereof.*

13 (3) *The applicant's United States passport or a legible copy of*  
14 *pertinent pages thereof identifying the applicant and the*  
15 *applicant's passport number.*

16 (4) *The applicant's United States naturalization documents.*  
17 *An applicant may provide the number of his or her certificate of*  
18 *naturalization in lieu of naturalization documents, but he or she*  
19 *shall not be deemed registered until the number of the certificate*  
20 *of naturalization is verified with the United State Citizenship and*  
21 *Immigration Services.*

22 (5) *Any document or method of proof established by the*  
23 *Immigration Reform and Control Act of 1986 (Pub. L. No.*  
24 *99-603).*

25 (6) *The applicant's Bureau of Indian Affairs card number,*  
26 *tribal treaty card number, or tribal enrollment number.*

27 (c) *A person who is registered as of January 1, 2006, is*  
28 *deemed to have provided satisfactory evidence of citizenship and*  
29 *is not required to submit proof of citizenship in the form*  
30 *prescribed by subdivision (b) unless he or she changes voter*  
31 *registration from one county to another.*

32 (d) *For purposes of this section, proof of voter registration*  
33 *from another state or county is not satisfactory evidence of*  
34 *citizenship.*

35 (e) *A voter who, following a change of address, executes a*  
36 *new affidavit of registration or a notice or a letter of the change*  
37 *of address as permitted in Section 2119 shall not be required to*  
38 *submit evidence of citizenship unless the voter reregisters in a*  
39 *county different from the county in which the voter was*  
40 *previously registered.*

1     (f) *The county elections official shall maintain for at least two*  
2     *years a record of the information submitted by an applicant as*  
3     *proof of citizenship.*

4     (g) For purposes of verifying signatures on a recall, initiative,  
5     or referendum petition or signatures on a nomination paper or  
6     any other election petition or election paper, a properly executed  
7     affidavit of registration shall be deemed effective for verification  
8     purposes if both ~~(a) the~~ *of the following are established:*

9     (1) *The affidavit is signed on the same date or a date prior to*  
10    *the signing of the petition or paper; and (b) the.*

11    (2) *The affidavit is received by the county elections official on*  
12    *or before the date on which the petition or paper is filed.*

13    ~~(e)~~

14    (h) Notwithstanding any other provision of law to the contrary,  
15    the affidavit of registration required under this chapter ~~may~~ *shall*  
16    not be taken under sworn oath, but the content of the affidavit  
17    shall be certified as to its truthfulness and correctness, under  
18    penalty of perjury, by the signature of the affiant.

19    SEC. 2. Section 3011 of the Elections Code is amended to  
20    read:

21    3011. The identification envelope shall contain the following:

22    (a) A declaration, under penalty of perjury, stating that the  
23    voter resides within the precinct in which he or she is voting and  
24    is the person whose name appears on the envelope.

25    (b) The signature of the voter.

26    (c) The residence address of the voter as shown on the  
27    affidavit of registration.

28    (d) The date of signing.

29    (e) A notice that the envelope contains an official ballot and is  
30    to be opened only by the canvassing board.

31    (f) A warning plainly stamped or printed on it that voting  
32    twice constitutes a crime.

33    (g) A warning plainly stamped or printed on it that the voter  
34    must sign the envelope in his or her own handwriting in order for  
35    the ballot to be counted.

36    (h) A statement that the voter has neither applied, nor intends  
37    to apply, for an absent voter's ballot from any other jurisdiction  
38    for the same election.

39    (i) The name of the person authorized by the voter to return  
40    the absentee ballot pursuant to Section 3017.

1 (j) The relationship to the voter of the person authorized to  
2 return the absentee ballot.

3 (k) The signature of the person authorized to return the  
4 absentee ballot.

5 *(l) A space for the voter to provide proof of his or her identity*  
6 *in the form of a California driver license number, a California*  
7 *ID number, or the last four digits of the voter's social security*  
8 *number.*

9 SEC. 3. Section 14216 of the Elections Code is amended to  
10 read:

11 14216. (a) Any person desiring to vote shall announce his or  
12 her name and address in an audible tone of voice, and when one  
13 of the precinct officers finds the name in the index, the officer  
14 shall in a like manner repeat the name and address. The voter  
15 shall then write his or her name and residence address or, if the  
16 voter is unable to write, shall have the name and residence  
17 address written by another person on a roster of voters provided  
18 for that purpose, whereupon a challenge may be interposed as  
19 provided in this article.

20 *(b) The voter shall then present proof of his or her identity to*  
21 *a member of the precinct board before receiving a ballot. Proof*  
22 *of identity may be established by either of the following:*

23 *(1) One form of identification that bears the name, address,*  
24 *and photograph of the elector.*

25 *(2) Two forms of identification that bear the name and address*  
26 *of the elector.*

27 SEC. 4. If the Commission on State Mandates determines that  
28 this act contains costs mandated by the state, reimbursement to  
29 local agencies and school districts for those costs shall be made  
30 pursuant to Part 7 (commencing with Section 17500) of Division  
31 4 of Title 2 of the Government Code.